

REMARKS

Interview

The Examiner is thanked for the courtesy of providing an Interview with Applicants' representative on September 25, 2009, regarding a possible Examiner's Amendment in the present application. The Examiner complied with Applicants' request to have an Office Action on the merits prepared instead.

Status of the Claims

After entry of the instant Amendment, claims 1, 5 and 7-14 are pending. Claim 1 is independent.

Claims 2-4 and 6 have been cancelled without prejudice or disclaimer of the subject matter contained therein. Claims 1, 7, 9, 11 and 14 have been amended to correct typographical errors and improve the clarity of the language and form, and claim 1 has been amended as suggested by the Examiner in his proposed Examiner's Amendment. Claim 7 was amended to make clear that the recited benzene ring structure is part of formula I in claim 1. No new matter has been introduced by way of the instant Amendment. Reconsideration of this application, as amended, is respectfully requested.

Preliminary Amendment

A Preliminary Amendment with a set of fourteen claims was co-filed with the initial filing of the present application on August 22, 2006. In the Preliminary Amendment multiple dependencies were removed from claims 5-7 and 9. Thereafter, on July 2, 2007, Applicants filed documents in response to a Notification of Missing Requirements, including a certified English translation of the foreign language application, which had the original claim set containing 16 claims with improper multiple dependent claims. It appears that the Examiner used the claims in the translation for the purpose of examination, as the Examiner has objected to claims 5-16 as being in improper form (see discussion below).

The listing of claims above, indicating that claims 2-4, 6, 15 and 16 have been cancelled and reflecting amendments that were made in the Preliminary Amendment will supersede any previous claims listings.

Claim Objections

Claims 5-16 are objected to under 37 CFR § 1.75(c) as being in improper form, because a multiple dependent claim cannot depend from any other multiple dependent claim. Claims 5-16 were not treated on their merits.

However, claims 5-14 were placed in proper dependent form by entry of the Preliminary Amendment on August 22, 2006, as explained above. As claims 6, 15 and 16 are cancelled, their objection is moot.

Applicants request that the objections to claims 5 and 7-14, which are in proper form, be withdrawn, and that the claims be examined on their merits. It should be noted that all of claims 5 and 7-14 depend, directly or indirectly, from amended claim 1 and the Examiner previously indicated that amended claim 1 would be allowable. Claims 5 and 7-14, which were objected to, should be in condition for allowance.

Rejection Under 35 U.S.C. § 112, 1st Paragraph (Enablement)

Claims 1-4 are rejected under 35 U.S.C. § 112, first paragraph, for a lack of enablement. Claims 2-4 have been cancelled and their rejection is, therefore, moot. Applicants respectfully traverse the rejection of claim 1.

In the Office Action, the Examiner concedes that the specification is enabling for a silyl linker for use in solid-phase synthesis comprising a compound of formula I:



wherein each of R1 and R2 are limited to alkyl groups and the spacer moiety (A) is an alkylene group represented by the formula $-(\text{CH}_2)_n-$. However, it is alleged in the Office Action that undue experimentation would be required by one of skill in the art to make all of the compounds

of formula I. It is further alleged that the skilled artisan would not be able to make compounds of formula I wherein each of R1 and R2 are aryl groups, and A represents any spacer moiety other than an alkylene group represented by the formula $-(CH_2)_n-$. Still further it is asserted in the Office Action that the working examples are not sufficient to support the breadth of the claims in their current form.

While Applicants disagree with these allegations and assertions, in order to expedite prosecution of the present application, Applicants have amended the claims as suggested by the Examiner in his proposed Examiner's Amendment. The Examiner has indicated that claim 1 would be allowable, if amended as indicated. Thus, Applicants respectfully request that the rejection of claim 1 under 35 U.S.C. § 112, first paragraph, be withdrawn.

Rejection Under 35 U.S.C. § 112, 2nd Paragraph (Indefiniteness)

Claim 4 is rejected under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claim 4 has been cancelled and its rejection is moot.

CONCLUSION

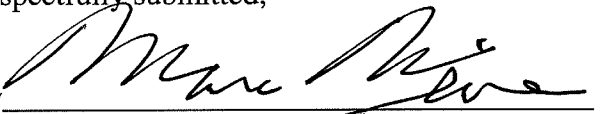
Entry of the above amendments is earnestly solicited. In view of the above amendment, Applicants believe the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Stephanie A. Wardwell, Ph.D., Registration No. 48,025 at the telephone number of the undersigned below to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

Dated: FEB 1 2010

Respectfully submitted,

By 

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